

KAW NATION,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 94-12-A
ANADARKO AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	October 26, 1993

This is an appeal from a September 7, 1993, decision of the Anadarko Area Director, Bureau of Indian Affairs, concerning the funds allocated to appellant for purposes of contracting under the Indian Self-Determination Act for FY 1993. The Area Director's decision was issued following the Board's remand in Kaw Nation v. Anadarko Area Director, 24 IBIA 21 (1993).

Appellant's notice of appeal is postmarked October 18, 1993. Appellant acknowledges that it received the Area Director's decision on September 8, 1993. It states: "This Notice of Appeal complies with the instructions in the Area Director's decision of September 7, 1993, being mailed within 30 business days of the date of receipt, September 8, 1993."

Contrary to appellant's statement, the Area Director did not instruct appellant to mail its notice of appeal within 30 business days of the date of receipt. Rather, he correctly informed appellant that its notice of appeal must be mailed to the Board within 30 days of the date it received the decision. This is also the requirement of the Board's regulations. See 43 CFR 4.332(a), which further provides: "A notice of appeal not timely filed shall be dismissed for lack of jurisdiction."

This appeal is clearly untimely. Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is docketed and dismissed.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge